

United States District Court
Eastern District of Missouri

Robert Alan Gray
DMH# 668843
Plaintiff

)
)
) Case No. _____

V.
State of Missouri
Department of Mental Health
Ailyn Holland SSCAI
Melissa Koderick RN
Denise Hacker COO

) Plaintiff Requests
) Trial by Jury
) ☒ Yes ☐ NO

)
)
Defendant(s)

Prisoner Civil Rights Complaint Under 42 USC § 1983

I. The Parties to this Complaint

A. The Plaintiff

Name: Robert Alan Gray

Other names used: N/A

Prisoner Registration Number: DMH# 668843

Current Institution: Southeast Missouri
Mental Health Center- SORTS

Indicate Your Prisoner Status: ☒ Other
Civily Committed under the SVP Act

B. The Defendant(s)

Defendant 1

Name: Missouri Department of Mental Health

Job or Title: Various

Badge / Shield Number:

Employer: MO Department of Mental Health

Address: P.O. Box 687 Jefferson City MO. 65109

X Individual Capacity X Official Capacity

Defendant 2

Name: Ailyn Holland

Job or Title: Security Support and Care Aide

Badge / Shield Number:

Employer: SMMHC- SORTS

Address: 1016 W. Columbia St. Farmington MO. 63640

X Individual Capacity X Official Capacity

Defendant 3

Name: Melissa Koderick

Job or Title: Registered Nurse

Badge / Shield Number:

Employer: SMMHC- SORTS

Address: 1016 W. Columbia St. Farmington MO. 63640

X Individual Capacity X Official Capacity

Defendant 4

Name: Denise Hacker

Job or Title: Chief Operating Officer

Badge or Shield Number:

Employer: SMMHC

Address: 1010 W. Columbia St. Farmington MO. 63640

~~X~~ Individual Capacity ~~X~~ Official Capacity

II. Statement of Claim

Defendant 1 MO DMH has failed to properly train their staff in many ways.

My situation pertains to staff not being properly trained to intervene when another resident is sexually violating me.

As a result to this I was raped by resident LuJuan Tucker on December 12, 2022 at approximately 1:05 a.m. in side the SMMHC-SORTS building on Hctor 6 ward room 326.

My injuries that I suffered are/was low abdominal pain resulted from the rape.

I also suffer from trauma, emotional distress, depression, and fear of this happening again due to staff not being properly trained to deal with these types of situations. Also failure to separate extremely violent residents from other residents.

I was also put on medication to prevent HIV Infection Truvada and Isentress which caused severe abdominal pain and severe constipation which resulted in bleeding of my stool and rectum.

Defendant 2 Ailyn Holland a security Support and Care Aide at SMMHC-SORTS assigned to Hctor 6 was working on December 11, 2022 thru Decemer 12, 2022. On 12-11-2022 resident LuJuan Tucker was moved to Hctor 6 from Hctor 4 due to his violent behavior. On 12-12-2022 at approximately 1:05 a.m. Ailyn Holland was doing a routine ward check. She opened the door to the room I was in (326) and was assigned to as was Mr. Tucker. Ms. Holland seen the act taking place and she refused to intervene which is deliberate indifference. The injuries I suffered are/was lower abdominal pain resulted from the rape. I also suffer from trauma, emotional distress, depression, and fear of this happening again due to deliberate indifference and/or staff not being properly trained to deal with these types of situations. This also violates my Patient Rights.

Defendant 3 Melissa Koderick the RN Nurse that was assigned to Hactor 6, and working on December 11, 2022 thru December 12, 2022 when Resident LuJuan Tucker was moved from Hactor 4 to Hactor 6 due to his violent behavior. On 12-12-2022 at approximately 1:05 a.m. I was raped by LuJuan Tucker, it was witnessed by Ailyn Holland, it was reported to RN Melissa Koderick, and she also failed to intervene or come to ask if I was okay. This is also deliberate indifference. The injuries I suffered are/was lower abdominal pain resulted from the rape. I also from trauma, emotional distress, depression, and fear of this happening again due to deliberate indifference and/or staff not being properly trained to deal with these types of situations. This also violates my patient Rights.

Defendant Denise Hacker the Chief Operating Officer of SMMHC. She has failed to train or have staff trained to deal with these types of situations. She failed to separate extremely violent residents from other residents. The COO is liable for every employee's misconduct.

The injuries I suffered are / was lower abdominal pain resulted from the rape. I also suffer from trauma, emotional distress, depression, and fear of this happening again.

III Injuries.

I suffered from lower abdominal pain as a result of being raped. I was transported Mercy Hospital in Festus Missouri by SORTS Escort staff. There I recieved a rape test kit, three injections, a CT Scan, and the first dose of the medication I was perscribed. Truvada and Isentress. I also suffer from trauma emotional distress, depression, and fear of this happening again. This also violates my Patient Rights in the facility. I also suffer from mental anguish

IV. Relief

I want the Court to hold MOPMH, SMMHC-SORTS, and all defendants accountable for their actions, and help me get the Justice that I deserve.

Defendant 1 State of Missouri Department of Mental Health - Plaintiff request punitive money damages in the amount of \$10 million dollars. I am requesting this due to MO DMH failing to properly train their staff to intervene in situations in this nature. Also I was the victim in a violent act that resulted in me being raped. I believe that I am entitled relief in the amount of \$10 million dollars due to deliberate indifference, failure to protect, and violation of my Patient Rights.

Defendant 2 Ailyn Holland - Plaintiff requests punitive money damages in the amount of \$5 million dollars. I am requesting this due to deliberate indifference, failure to protect, and violation of my patient Rights. Ailyn Holland is a SSCA I and it is her job to protect/intervene in violent acts that she sees taking place inside of the facility. I believe I am entitled relief in the amount of \$5 million dollars for the reasons stated above.

Defendant 3. Melissa Koderick - Plaintiff requests punitive money damages in the amount of \$5 million dollars. I am requesting this due to deliberate indifference, failure to protect, and violation of my patient Rights "Abuse and Neglect". Melissa Koderick is a RN and it is her job protect/intervene in violent acts that she sees or is reported to her inside of the facility. I believe I am entitled to relief in the amount of \$5 million dollars for the reasons stated above.

Defendant 4 - Denise Hacker - Plaintiff requests punitive money damages in the amount of \$3 million dollars. I am requesting this to violation of my patient Rights "Abuse and Neglect". Denise Hacker is the Chief Operating Officer of SMMHC and it is her job to make sure all SMMHC staff are properly trained to preform all of their job duties. I believe I am entitled to relief in the amount of \$3 million dollars for the reasons stated above.

V. Exhaustion of Administrative Remedies / Administrative Procedures.

The Prison Litigation Reform Act ("PLRA") 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect of prison conditions under section 1983 of this title, or any other Federal Law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available remedies are exhausted.

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or any other correctional facility?

☒ Yes ☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events "giving rise to your claim(s):

Southeast Missouri Mental Health Center
Sex Offender Rehabilitation And Treatment
Services.

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes ☐ NO ☐ I don't know

C. If yes, does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ yes ☒ NO ☐ I don't know

If yes which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes ☐ NO

If NO did you file a grievance about the events described in this complaint at any other jail, prison, or correctional facility?

☐ yes ☒ NO

E. If you did file a grievance:

1. Where did you file the grievance?

South-east Missouri Mental Health Center
Sex offender Rehabilitation And Treatment
Services.

2. What did you claim in your grievance?
(Attach a copy of your grievance, if available)
I claimed deliberate indifference, failure to protect, Abuse and Neglect, and violation of my Patient Rights. 3. To safe and sanitary housing; 7. To be treated with dignity as a human being; 15. To be free from verbal, physical, and Sexual Abuse.

3. What was the result, if any? (Attach a copy of any written response to your grievance, if available.)

An EMT was filed. (Event Report Form)

4. What steps, if any, did you take to appeal that decision? None Is the grievance process completed? Yes If not, explain why not.
(Describe all efforts to appeal to the highest level of the grievance process.)

An EMT was filed by the grievance coordinator, Charles McIntyre. Once an EMT is filed that closes the grievance and it goes to the investigators.

F. N/A

G. N/A

1. N/A

2. N/A

VI. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

A. TO the best of your knowledge, have you ever had a case dismissed on the basis of this "three strikes rule"?

☐ Yes ☒ NO

Have you ever filed other lawsuits in the state or federal court dealing with the same facts involved in this action?

☐ Yes ☒ NO

B. N/A

1. N/A

2. N/A

3. N/A

4. N/A

5. N/A

6. N/A

7. N/A

C. Have you filed other lawsuits in the state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes ☒ NO

D. N/A

1. N/A

2. N/A

3. N/A

4. N/A

5. N/A

6. N/A

7. N/A

VII. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of Perjury that the foregoing is true and correct.

Signed this 6th day of March, 2023

Signature of Plaintiff: Robert Gray